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In re Application of: HUANG, et al. :
Application No.: 10/590,834 :
PCT Application No.: PCT/US05/04226 : DECISION ON PETITION
Int. Filing Date: 4 February 2005 : UNDER 37 CFR 1.137(b)
Priority Date Claimed: 6 February 2004 :
Attorney Docket No.: 47082-117USPX :
For: Electrochemical Biosensor :

This is in response to Applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed 24 August 2006.

BACKGROUND

On 4 February 2005, Applicant filed international application PCT/US05/04226, which claimed a priority of a provisional US application filed on 6 February 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 6 August 2006.

International application PCT/US05/04226 became abandoned as to the United States for failure to timely pay the basic national fee.

On 24 August 2006, applicant filed the present petition under 37 CFR 1/137(b).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition

under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

With regard to Item (1), applicant has provided the required reply under 35 U.S.C. 371. A copy of the international application is not required, as the application was filed in the United States Receiving Office (RO/US).

With regard to Item (2), the appropriate petition fee of \$1,500 as required by 37 CFR 1.17(m) has been paid.

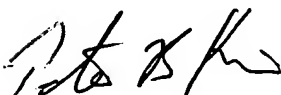
With regard to Item (3), Applicant's statement that "[t]he entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" has been satisfied.

With regard to Item (4), a terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

For the reasons above, the petition to revive the international application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America, and will be processed, under 35 U.S.C. 371, as application number 10/590,834.

Application number 10/590,834 is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 24 August 2006.



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